

**IN THE UNITED STATES DISTRICT COURT FOR
THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

WALLACE MONTGOMERY, et al.,)	
)	
Plaintiffs,)	
)	
v.)	CIVIL ACTION NO.: CV 2:06-cv-880-WKW
)	
UNITED STATES OF AMERICA,)	
)	
Defendant.)	

PLAINTIFFS' LIST OF WITNESSES AND EXHIBITS

COME NOW, the plaintiffs, Wallace Montgomery and Phyllis Montgomery, by and through their counsel of record, and submit this witness and exhibit list for the trial of this case:

I. Plaintiffs identify the following witnesses whose testimony will be offered at trial:

1. Wallace Montgomery, plaintiff, 5005 Wild Ginger Cove, Norcross, GA 30092.
2. Phyllis Montgomery, plaintiff, 5005 Wild Ginger Cove, Norcross, GA 30092.
3. Michael Allen, plaintiff, 4900 Cedar Lane, Pell City, AL 35128, (205) 338-1803 or (205) 503-5969.
4. Lou Ellen Allen, plaintiff, 4900 Cedar Lane, Pell City, AL 35128, (205) 338-1803 or (205) 503-5600.
5. Lorie S. Allen, plaintiff, 4900 Cedar Lane, Pell City, AL 35128, (205) 338-1803 or (205) 503-5600.
6. Bertha Moore, Secretary for the United States Attorney, Middle District of Alabama, One Court Square, Suite 201, Montgomery, AL 36104 or 4731 Queensbury Court, Montgomery, AL 36116, (334) 284-6008.
7. Robert Fisher, Alabama State Trooper, 1040 Coliseum Boulevard, Montgomery, AL 36109, (334) 242-4128.

8. Clifford A. Prosser, Plaintiffs' Expert, Traffic Accident Consulting Services, 4248 Fieldstone Drive, Birmingham, AL 35215, (205) 681-6869.

9. Peter L. Flanner, Plaintiffs' Expert, TIRExpertise Inc., 104 Bluebell Drive, Madison, AL 35758, (256) 772-4971.

10. To the extent the parties cannot agree on the subrogation amounts, a representative from BlueCross BlueShield of Georgia.

11. Deposition of Dr. David Covall, Resurgeons Orthopedics, 1100 Northside Forsyth Drive, Suite 340, Cumming, GA 30041, (770)475-2710.

12. Deposition of Dr. C. Richard Cummings, Jr., 980 Johnson Ferry Road, N.E., Suite 760, Atlanta, GA 30342, (404)252-0503.

13. Deposition of Dr. Thomas Moore, 5845 Winterthur Drive, Atlanta, GA 30328, (404)778-1550.

II. Plaintiffs identify the following witnesses whose testimony may be offered at trial:

1. Ralph Cunningham, Defendant's Expert, Ralph Cunningham, Inc., 1804 Thornhill Pass, S.E., Conyers, GA 30013.

2. If the parties cannot agree, plaintiffs will call the custodian of records of any medical provider to testify as to the authenticity of medical records and the reasonableness of any charges.

3. Any person to be named later as Defendant's expert and independent medical examiner for Wallace Montgomery.

4. Any and all witnesses listed by the defendant(s).

5. Any witnesses necessary for rebuttal.

III. Plaintiffs identify the following exhibits which may be used at the trial of this matter:

1. SF-95 Administrative claims forms for Wallace and Phyllis Montgomery.

2. A copy of the Alabama Uniform Traffic Accident Report regarding the automobile accident of August 29, 2003.

3. Photographs showing post-accident damage to the Montgomery's vehicle.
4. Photographs showing post-accident damage to Bertha Moore's vehicle.
5. Photographs showing injuries to Wallace Montgomery.
6. Photographs showing injuries to Phyllis Montgomery.
7. Photographs of the scene.
8. Diagram of the scene.
9. Photographs of subject tire.
10. The tire.
11. *The Investigator's Guides to Tire Failures* by R. J. Grogan.
12. *The Investigator's Guides to Tire Failures* by R. J. Grogan, pp. 60, 66 and 219.
13. *Punctures and Driver Behavior* by R. J. Grogan and K. H. Marshall.
14. *Tyre Examination Methods for Police Accident Investigators* issued by the Education Section Dunlop Limited, 2nd Edition 1980.
15. *The Investigator's Guides to Tire Failures* by R. J. Grogan, Chapter 6.
16. *Principal Tire Constructions and Terms*.
17. *The Effect of Tyre Deflation on Vehicle Behavior*, R. J. Grogan, published in J. Forensic Sciences Society (1972).
18. *Tyre Punctures - How Come, Why and Where?*, by R. J. Grogan and T. R. Watson, J, Forensic Sciences Society (1974).
19. *Tyre Examination and Methods for Police Accident Investigators* prepared by Rex Grogan for Dunlop Limited.

20. SAE Technical Paper No. 970954.
21. Michelin Tire Warranty.
22. *Anatomy of Accidents Following Tire Disablements*, by Ernest Z. Klein and Thomas L. Black, Society of Automotive Engineers, Inc. (1999).
23. Exhibits attached to the deposition Peter L. Flanner.
24. Exhibits attached to the deposition of Clifford A. Prosser.
25. Exhibits attached to the deposition of Ralph Cunningham.
26. Exhibits attached to the deposition of Dr. David Covall
27. Exhibits attached to the deposition of Dr. C. Richard Cummings, Jr..
28. Exhibits attached to the deposition of Dr. Thomas Moore.
29. Tax records, including W-2 forms and 1040 forms, from 2000 to 2006.
30. Any exhibits listed by the defendant.
31. Any exhibits listed by any party.

For Plaintiff, Wallace Montgomery:

- (a) Prescriptions and Out of Pocket expenses.
- (b) Lost wage information from Georgia Perimeter.
- (c) Medical records and billing from Dr. David Covall, Cumming, GA
- (d) Medical records and billing from Northside Hospital, Atlanta, GA.
- (e) Medical records and billing from Conecuh County Emergency Medical Services, Evergreen, AL.
- (f) Medical billing from Range of Motion, Inc.
- (g) Medical records and bills from Physiotherapy Associates, Norcross, GA.

- (h) Medical records and bills from HealthSouth of Atlanta, Atlanta, GA.
- (i) Medical records and bills from Peachtree Orthopaedic Clinic (Dr. Thomas Moore).
- (j) Medical records and bills from Piedmont Hospital, Atlanta, GA.
- (k) Medical records and bills from Evergreen Medical Center, Evergreen, AL.
- (l) Medical Records and bills from Roswell Surgery Center, Alpharetta, GA.

For Plaintiff, Phyllis Montgomery:

- (a) Out of Pocket expenses.
- (b) Medical records and billing from Conecuh County Emergency Medical Services, Evergreen, AL.
- (c) Medical Records and bills from Northside Hospital Breast Care Center, Atlanta, GA.

Respectfully submitted,

s/ J. CALLEN SPARROW
J. Callen Sparrow (ASB-4515-R79J)
Attorney for the Montgomery Plaintiffs

OF COUNSEL:

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CERTIFICATE OF SERVICE

I hereby certify that on the 15th day of January, 2008, I electronically filed the foregoing pleading with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following parties:

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s/ J. CALLEN SPARROW
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